

**B R E W E R**  
ATTORNEYS & COUNSELORS

June 3, 2020

**VIA ECF**

Hon. Christian F. Hummel  
United States Magistrate Judge  
United States District Court  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

Re: *National Rifle Association of America v. Cuomo*, No. 18-cv-00566-TJM-CFH

Dear Judge Hummel:

On behalf of Plaintiff, the National Rifle Association of America (the “NRA”), I write to renew the NRA’s motion for the issuance of Letters of Request for International Judicial Assistance to compel the production of documents by, and the taking of depositions of, the Corporation of Lloyd’s (“Lloyd’s”) and certain of its Managing Agents (the “Motion”).<sup>1</sup> As this Court is aware, in its Order dated March 6, 2020,<sup>2</sup> this Court denied the NRA’s Motion without prejudice to renewing it if Judge McAvoy granted the NRA’s appeal of this Court’s August 8, 2019 Order finding certain of the NRA’s document requests to Defendants were not relevant. Judge McAvoy granted the NRA’s appeal;<sup>3</sup> and, as COVID-19 restrictions begin to lift, the NRA hopes to get discovery back on track. Thus, the NRA seeks to renew its Motion in accordance with this Court’s direction.

Although Defendants are expected to argue that any documents produced pursuant to the Letters of Request need to be submitted for *in camera* review, the NRA submits that this step can be eliminated inasmuch as the *in camera* review process is designed to screen out privileged materials. Lloyd’s and its Managing Agents do not have the ability to assert governmental privileges and can produce a privilege log to handle any non-governmental privileges, if any, they wish to assert in the normal course.

Accordingly, the NRA asks that this Court grant its Motion, and issue Letters of Request for documents and deposition testimony as set forth in the NRA’s Motion. The NRA is available for a telephonic conference regarding this request at the Court’s earliest convenience. In connection with such a conference, the NRA also proposes that it may be useful to address: (i) the status of Defendants’ efforts to identify and marshal documents for production which are implicated by Judge McAvoy’s order; and (ii) the status of the Special Master’s report and

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<sup>1</sup> ECF No. 129.

<sup>2</sup> ECF No. 181.

<sup>3</sup> ECF No. 188.

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recommendation. The NRA attempted to meet and confer with Defendants before submitting this letter, and elicited no substantive response to the issues herein.<sup>4</sup>

Thank you for your consideration of this matter.

Respectfully,

/s/ Sarah B. Rogers

Sarah B. Rogers

cc: All Counsel of Record (via ECF)

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<sup>4</sup> Specifically, the NRA first reached out to Defendants by email on Friday, May 29, 2020, and followed up with a copy of this proposed letter on Monday, June 1. The NRA followed up again by email dated June 2, 2020.